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Report of the Working Group on the Universal Periodic Review*

Marshall Islands

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-second session from 4 to 15 May 2015. The review of the Marshall Islands was held at the 12th meeting, on 11 May 2015. The delegation of the Marshall Islands was headed by the Minister for Foreign Affairs, Tony A. deBrum. At its 17th meeting, held on 15 May 2015, the Working Group adopted the report on the Marshall Islands.

2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of the Marshall Islands: China, Congo and Mexico.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of the Marshall Islands:

(a) A national report (A/HRC/WG.6/22/MHL/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) (A/HRC/WG.6/22/MHL/2);

(c) A summary prepared by OHCHR (A/HRC/WG.6/22/MHL/3).

4. A list of questions prepared in advance by Belgium, Germany, Liechtenstein, Mexico, Slovenia, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to the Marshall Islands through the troika. These questions are available on the extranet of the Working Group

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation of the Marshall Islands thanked OHCHR, the Human Rights Council and the Working Group of the Universal Periodic Review for allowing the Marshall Islands to present its second report on its human rights situation. The delegation also thanked the Regional Rights Resource Team of the Secretariat of the Pacific Community, the Pacific Islands Forum Secretariat and their bilateral partners for assistance in the preparations leading up to the submission of the report of the Marshall Islands as well as their participation before the Working Group.

6. The Marshall Islands stated that with a population of roughly over 60,000 people, it consisted of low-lying coral atolls (29) and islands (5) in the central Pacific with a total land area of approximately 181 km^2 scattered over an exclusive economic zone of 2 million km^2 of ocean.

7. The Marshall Islands emphasized that after the Second World War it was administered by the United States of America as a United Nations-mandated Trust Territory of the Pacific Islands. During that period, the United States had detonated in the country, namely the atolls of Bikini and Enewetak, 67 atmospheric, land and underwater atomic and thermonuclear weapons from 1946 to 1958, or the equivalent of 1.6 Hiroshima bombs every single day during the 12 years of the United States Nuclear Testing Program. Such was the legacy of the United States, and to the present day outstanding issues arising from the Program were yet to be resolved. The Marshall Islands adopted its Constitution in 1979

and on 21 October 1986 entered into the Compact of Free Association with the United States. An amended version of the Compact was signed in 2003.

8. The Marshall Islands stated that it had made important strides since its first universal periodic review in 2010. In addition to being party to the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, it was now party to the Convention on the Rights of Persons with Disabilities and the United Nations Convention against Corruption. Prior to accession to the Convention on the Rights of Persons with Disabilities, consultations had taken place to develop the National Policy on Disability Inclusive Development, which was approved by the "Nitijela" (Parliament) in late 2014. The Policy was developed in line with the Convention, the Pacific Regional Strategy on Disability and the Incheon Strategy to "Make the Right Real" for Persons with Disabilities in Asia and the Pacific. Subsequent to acceding to the Convention, the Marshall Islands drafted a bill on the rights of persons with disabilities, which was before the Nitijela. The country received technical assistance from the Economic and Social Commission for Asia and the Pacific, the Pacific Islands Forum Secretariat and the Pacific Disability Forum throughout the entire process.

9. With respect to the other core human rights treaties and existing optional protocols, the Cabinet had approved the accession of the Marshall Islands to those treaties and optional protocols subject to constitutional processes. Given its limited resources, the country had to be careful not only to accede to those important treaties and protocols, but also to apply them to domestic law in order to ensure proper implementation.

10. The Marshall Islands reported that the Nitijela had enacted a number of laws that supported the Bill of Rights and criminalized any violations thereof, particularly the Domestic Violence Prevention and Protection Act 2011, an updated Criminal Code 2011 and the Marshall Islands Public School System Act 2013. Also before the Nitijela, in addition to the bill on the rights of persons with disabilities, were two bills, one on child protection and the other on the human rights commission. The latter would codify the Resource Development Committee and its monitoring and implementation responsibilities with respect to human rights.

11. Furthermore, and in addition to the National Policy on Disability Inclusive Development, the Marshall Islands stressed that it had developed the National Strategic Plan, with technical assistance from the United Nations Development Programme (UNDP). The Plan covered the period from 2015 to 2017 and would continually be updated in three-year increments so as to meet longer-term objectives which would be achieved in five sectors: social development; the environment, climate change and resiliency; infrastructure development; sustainable economic development; and good governance.

12. The Marshall Islands added that the Cabinet had recently adopted a number of important gender-inclusive national policies, including the Gender Equality Policy, the aforementioned National Strategic Plan, the National Climate Change Policy Framework and the National Energy Policy. They all incorporated goals and outcomes for gender equality and the advancement of women, and called for the development of gender-sensitive strategies for climate change responses and the advancement of women in decision-making and economic empowerment.

13. Regarding violence against women, the Marshall Islands indicated that the Nitijela had passed the Domestic Violence Prevention and Protection Act 2011 after several years of work by several non-governmental organizations (NGOs), including Women United Together Marshall Islands. The Domestic Violence Prevention and Protection Task Force was established in 2012, as an attachment to the Secretary of Internal Affairs, to ensure the law was implemented, make recommendations, pool resources and lobby for the Nitijela to provide financial support from the Ministry of Internal Affairs' recurrent budget. To further

help the work of eliminating domestic violence, the Government submitted an application to a United Nations trust fund and was awarded US$ 372,000 for the implementation of the Act for three years according to the Act's costing table developed by UNDP. Furthermore, development of a family health study survey, with assistance from the United Nations Population Fund (UNFPA), began in 2012; the survey was projected to be launched later in 2015. One of the recommendations arising from the exercise was to improve administrative data collection and analysis with regard to health, justice, education and social services. That would strengthen the referral system among essential services while allowing the country to carry out its analysis of the services to ensure that they were responding to the high prevalence rates of violence against women recorded in the survey, and make policy and programme reform where administrative reporting was low. The Marshall Islands stated that it urgently needed international assistance at the grass-roots and local levels to better achieve visible elimination of domestic violence.

14. Other policies had been developed in the Marshall Islands, namely the National Youth Policy (2009–2014), with assistance from NGOs and regional development partners; the National Reproductive Health Policy/Strategy (2014–2016), with assistance from the UNFPA Pacific Subregional Office; the Country Prevention of Adolescent Pregnancy: A Three-Year Strategy (2014–2016), with assistance from UNFPA; and the Marshallese Joint National Plan for Climate Change Adaptation and Disaster Risk Management (2014–2018), with help from the Secretariat of the Pacific Community Applied Geoscience and Technology Division, the Secretariat of the Pacific Regional Environment Programme and UNDP. The delegation thanked those international and regional partners, and asked for their continued support.

15. The Marshall Islands emphasized that those accomplishments had been made while it continued to face the challenges of climate change and the lingering effects of the United States Nuclear Testing Program. The country had been outspoken in seeking to address the human rights dimension of climate change, including in early 2009, when it told the Human Rights Council in a formal report that climate risks would seriously threaten nearly each and every core human right sector, including the right to statehood for the entire nation. In 2013, the country led efforts for the Pacific Islands Forum leaders to adopt the Majuro Declaration for Climate Leadership, which set forward national commitments to reduce emissions. That principle — that every nation, large and small, rich and poor, commit to action — had helped change multilateral politics. The country was also working very hard to secure a strong and practical post-2020 climate agreement in Paris, but the Paris agreement under the United Nations Framework Convention on Climate Change was very likely to leave serious exposure to human rights risks.

16. The Marshall Islands also emphasized that impacts of climate change on local communities continued to worsen; a recent drought had affected a quarter of the nation and necessitated the serious involvement of the Office for the Coordination of Humanitarian Affairs of the United Nations. Unusually strong king tides and coastal flooding had devastated local communities. That was also an issue shared in the wider Pacific region as seen when the Federated States of Micronesia and Vanuatu suffered from the recent hurricanes. While natural events had always occurred in small islands, it was irrefutable that there were climate drivers and that the scale and intensity of their impact were increasing.

17. The Marshall Islands highlighted the fact that the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes visited the Marshall Islands from 27 to 30 March 2012 and the United States from 24 to 27 April 2012 to assess the impact on human rights of the Nuclear Testing Program conducted in the Marshall Islands by the United States from 1946 to 1958. One of the issues identified in his report was the limited access to information

relating to the Program. Many of the historical documents provided to the Marshall Islands were incomplete and in "deleted version only" form and labelled as "extracted, redacted or sanitized" with information of an unknown nature and the volume removed. Following the Special Rapporteur's report, the country had as recently as 27 April 2015 been trying to gain access to that information but to no avail. The repeated failure or refusal of the United States to provide full access to those records could only be taken as a blatant indignity towards and lack of respect for the Marshallese people and represented an ongoing violation of basic human rights.

18. Despite those challenges and other constraints, such as human and financial resources, the delegation stated that the Marshall Islands continued to do its outmost to address recommendations from the first universal periodic review to improve the country's capacity to address human rights issues. As it had in 2010, the Marshall Islands once again requested the kind assistance of the international community for the following:

(a) Technical and financial assistance for capacity-building of public servants and government-elected officials with respect to implementation of human rights in the country;

(b) Technical and financial assistance in improving public awareness programmes of both the Government and NGOs with respect to the human rights of the Marshallese people;

(c) Technical and financial assistance to address climate change, educational and health issues.

19. The Marshall Islands reiterated its commitment to fulfilling its human rights obligations. Although it was a small island developing State, much progress had been made in five years, and the country was confident that more progress was forthcoming. It recognized that more work needed to be done, none of which would be relegated. The country would continue to do its part in the promotion and protection of human rights for the Marshallese people and the improvement thereof, but it would like to point out that that was a collaborative, universal effort requiring the partnership and assistance of the international community. To that end, the Marshall Islands looked forward to the recommendations of the Working Group, which would be seriously considered given its domestic process.

B. Interactive dialogue and responses by the State under review

20. During the interactive dialogue, 43 delegations made statements. Recommendations made during the dialogue can be found in section II of the present report.

21. The Netherlands referred to the standing invitation extended to the special procedures and welcomed steps taken to implement recommendations by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes. It was concerned about the protection of the rights of people living with HIV/AIDS, tuberculosis and/or other sexually transmitted diseases. It mentioned the steps taken in the field of women's rights and that improvements could be made regarding the political participation of women. The Netherlands made recommendations.

22. New Zealand was conscious of the challenges faced by small island developing States. It congratulated the Marshall Islands on ratifying the Convention on the Rights of Persons with Disabilities and commended its development of domestic legislation. It indicated that violence against women was an ongoing problem and offered to share its own experiences in dealing with domestic violence. New Zealand made recommendations.

23. The Philippines appreciated the ratification of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, recalling that during the first universal periodic review, the Marshall Islands had received numerous recommendations regarding ratification of core international human rights treaties. It inquired about actions taken towards the ratification of those treaties. It pointed out that the Marshall Islands was late in submitting periodic reports in compliance with its obligations under those human rights conventions. The Philippines made a recommendation.

24. Portugal welcomed the steps taken to protect and promote human rights since the first universal periodic review, including the adoption of the Public School System Act 2013, which established a public free-of-charge school system. It welcomed the determination of the Marshall Islands to prevent adolescent pregnancy as reflected in the development of its 2014–2016 strategy. Portugal made recommendations.

25. The Russian Federation noted with satisfaction the progress achieved, including the new Criminal Code and the National Strategic Plan 2015–2017. It appreciated the policies to promote gender equality, improve the quality of life of persons with disabilities, and for the development of youth. It highlighted the need for the international community to provide support relating to health care and the environment. The Russian Federation made recommendations.

26. Rwanda noted with appreciation the legislative development, national measures and policies aimed at promoting and protecting human rights. It commended the Domestic Violence Prevention and Protection Act. It noted with appreciation the development of the National Gender Policy, scheduled for review by the Cabinet in early 2015 and inquired about its outcome. It commended the adoption of the Disability Inclusive Development Policy. Rwanda made recommendations.

27. Sierra Leone commended efforts to address human rights issues in a holistic manner by engaging various stakeholders at the regional and international levels and pointed out that the Marshall Islands was well on its way to meeting Millennium Development Goal 4. It commended climate change management initiatives and encouraged the Marshall Islands to continue to seek technical assistance from the international community. Sierra Leone made recommendations.

28. Singapore welcomed the accession of the Marshall Islands to the United Nations Convention against Corruption and commended it for including good governance as one of the five sectors of activity through which it sought to achieve the objectives of its National Strategic Plan. It acknowledged the efforts of the Marshall Islands in protecting and promoting the rights of women. Singapore made recommendations.

29. Slovenia commended the Marshall Islands for ratifying the Convention on the Rights of Persons with Disabilities. It welcomed efforts in the field of gender equality and the empowerment of women, including the adoption of the Domestic Violence Prevention and Protection Act 2011 and work on a new National Gender Policy. It pointed out efforts made to ensure the right to education but remained concerned about high-school dropout rates. Slovenia made recommendations.

30. Spain recognized the efforts made by the Marshall Islands in the area of the rights of persons with disabilities and congratulated it on the recent ratification of the Convention on the Rights of Persons with Disabilities. Spain made recommendations.

31. Responding to questions, the Marshall Islands underlined the fact that, concerning gender equality, even though there was only one female member of Parliament out of 33, a number of the country's positions in the public service were held by women such as the

Head of the Public Service Commission. The Marshall Islands strived to bring forward its goals of gender equality in that small country.

32. In terms of public health, the Marshall Islands had some of the best records in both follow-up and treatment of HIV/AIDS and tuberculosis.

33. The Marshall Islands appreciated comments regarding its continuous efforts to secure justice for people who had been exposed to radiation during the nuclear testing program and their descendants. It was working on solving issues regarding claims that had been adjudicated but not paid and also on holding the United States responsible for the monitoring of exposed areas and homelands that could not be resettled because of the high level of radiation. That continued to be work in progress. The Marshall Islands had reached some milestones but there were still many impediments to the final resolution of that issue beginning with the freedom and access to information which it knew the United States possessed but never shared, invoking security reasons.

34. Sweden referred to the Committee on the Rights of the Child's recommendation to the Marshall Islands that corporal punishment of children be prohibited in all settings and that the Criminal Code authorized the use of force to correct children's misconduct. It pointed out that despite legal prohibition, violence against women was a widespread problem. Sweden made recommendations.

35. Thailand welcomed legislative and political reforms, in particular the adoption of the Domestic Violence Prevention and Protection Act 2011, the new Criminal Code and the active cooperation with international organizations. It encouraged the Marshall Islands to intensify its efforts to adopt and apply a global national policy on disabilities. It also encouraged awareness-raising programmes to prevent sexually transmitted diseases and early pregnancy. Thailand made recommendations.

36. Timor-Leste noted with appreciation the adoption of a new law on education in 2013 that ensured the right to education, as well as the adoption of the Domestic Violence Prevention and Protection Act. It mentioned that the Marshall Islands was in the process of reviewing its legislation concerning persons with disabilities. Timor-Leste made recommendations.

37. The United Kingdom commended the efforts of the Marshall Islands to implement recommendations, despite capacity and resource challenges. It welcomed measures to combat gender-based violence and protect the rights of children. It was concerned that levels of sexual and gender-based violence remained high and encouraged the Marshall Islands to take further action in that area and ensure that perpetrators of domestic violence were prosecuted. The United Kingdom made recommendations.

38. The United States indicated that the Government had approved the formation of a National Task Force on Human Trafficking, but stated that it had not demonstrated efforts to prosecute alleged traffickers, protect victims or prevent trafficking. It said that additional government efforts were needed to raise awareness and enforce laws prohibiting employment discrimination, particularly with regard to persons with disabilities. The United States made recommendations.

39. Uruguay congratulated the Marshall Islands on the recent ratification of the Convention on the Rights of Persons with Disabilities and encouraged it to continue its efforts aimed at harmonizing domestic legislation with international human rights obligations. Uruguay made recommendations.

40. The Bolivarian Republic of Venezuela listed the legislative changes that had taken place during the past years, such as the new Penal Code and the Domestic Violence Prevention and Protection Act 2011. It highlighted the National Strategic Plan of 2014, the

National Gender Policy and the Public School System Act. The Bolivarian Republic of Venezuela made a recommendation.

41. Algeria commended the efforts deployed by the Marshall Islands to promote and protect human rights, in particular the adoption of the Domestic Violence Prevention and Protection Act. It also congratulated the Marshall Islands on the measures adopted for the protection of children. It mentioned that the review of its national report referred to major challenges such as climate change and nuclear tests. Algeria made recommendations.

42. Argentina congratulated the Marshall Islands for the establishment of the National Strategic Plan 2015–2017 and the National Policy on Disability Inclusive Development 2014–2018. Argentina made recommendations.

43. Armenia noted the steps taken for raising awareness about human rights including through the mass media, the open invitation extended to all special procedures of the Human Rights Council, and the initiatives to promote women's rights. Armenia was concerned, however, that the Marshall Islands had not yet ratified numerous core international human rights instruments. It also encouraged the Marshall Islands to take additional measures to promote human rights education. Armenia made recommendations.

44. Australia congratulated the Marshall Islands for the enactment of the Domestic Violence Prevention and Protection Act 2011, while recognizing that efforts were still required to address the challenges posed by domestic violence. It also commended the country's participation in the visit of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, and stated that Australia would be pleased to assist the Marshall Islands in implementing the Special Rapporteur's recommendation to improve water sanitation and waste management. Australia made recommendations.

45. Belgium welcomed the efforts deployed by the Marshall Islands to follow up on the results of the first universal periodic review. In particular it commended the adoption of the Domestic Violence Prevention and Protection Act 2011, which represented a real stride forward. Despite the globally positive records of the Marshall Islands in the human rights sphere, Belgium suggested expanding the ratification of international human rights instruments and approving the implementation of existing legislation. Belgium made recommendations.

46. Responding to other questions, the Marshall Islands indicated that it was a matriarchal society. Traditionally, women dealt with the most important aspect of island life, the passage of land rights. The sense of belonging to the community in an extended family or a clan situation was based on where you must work, own land and be a caretaker for the future children of that land. That aspect, which was the most important of Marshallese society, influenced the behaviour of adults in the community. Over the past decades, with the urbanization of the island population, with the need to be displaced not just by choice but for various reasons including drugs, famine, floods and other reasons, the population had not lent itself to the traditional manner of dealing with extended family issues. As a result, it had to rely on modern law and processes to which access was limited and of which it had an even more limited understanding.

47. The Marshall Islands strived to make sure that Government measures for the prevention of domestic and gender violence and the protection of children, including guaranteeing their rights to health and education, were part of the country's constitutional responsibility. It still remained a task and a challenge for the Government to ensure that domestic violence was avoided first of all and then when it did occur it was properly prosecuted and prevented from future expansion. The Marshall Islands underlined that it was doing its best to deal with the problem, with the assistance of regional organizations, the United Nations as well as NGOs.

48. The Marshall Islands stated that the updated Criminal Code of 2011 was close to international human rights standards such as provisions for human trafficking. A task force on human trafficking had been established and the Government would be working closely with the International Organization for Migration on the implementation of the United States office grant to monitor and combat trafficking in persons. The Marshall Islands asked for closer cooperation with the United States and requested more information on how to track down, prevent and prosecute trafficking in persons.

49. Brazil commended the Marshall Islands for the review of the legal framework to strengthen women's rights. It also referred to the progress made with regard to rights relating to disability. Brazil made recommendations.

50. Canada welcomed the enactment of the law addressing domestic violence. It encouraged the Marshall Islands to finalize the remaining protocols and develop strategies to implement the Domestic Violence Prevention and Protection Act 2011. Canada remained concerned, however, about reports of child malnutrition and limited access to health care and immunizations in rural communities. It encouraged the Marshall Islands to continue to work towards the achievement of its Millennium Development Goals. Canada made recommendations.

51. China welcomed the ratification by the Marshall Islands of the Convention on the Rights of Persons with Disabilities and other important international human rights instruments; its accession to the United Nations Convention against Corruption; the enactment of the Domestic Violence Prevention and Protection Act which was an important step in strengthening legal protection for women and children; its revision of the Criminal Code to criminalize human trafficking; and the fact that it pursued a national strategic plan and took measures to implement policies on gender equality, disability, inclusive development and child protection. China noted that as a small island developing State, the Marshall Islands was facing financial difficulties, lack of capacity and resources in the protection and promotion of human rights and called upon the international community to provide it with constructive help. China made recommendations.

52. The Congo noted with satisfaction that the Marshall Islands had marked an important stage in its development through adopting an inclusive policy to improve the country's capacity to address human rights issues. In the context of the recommendations of the first cycle of the universal periodic review, the Congo welcomed the ratification of the Convention on the Rights of Persons with Disabilities and the progress achieved in the empowerment of women. The Congo made recommendations.

53. Costa Rica highlighted the importance of being a party to the main human rights instruments and encouraged strengthened cooperation with the human rights treaty bodies, the Human Rights Council and its special procedures and OHCHR. Costa Rica welcomed the standing invitation made to special procedures and mentioned the measures taken to step up efforts to deal with the problem of domestic violence and encouraged the continued waging of an effective war on that scourge. Costa Rica made recommendations.

54. Cuba pointed out the adverse effects of the nuclear tests carried out in some of the Marshall Islands, which had been exacerbated by the negative consequences of climate change. Cuba highlighted the progress made with the enactment of the new Criminal Code in line with international human rights standards as well as the adoption of the Domestic Violence Prevention and Protection Act 2011, the Marshall Islands Public School System Act 2013 and the National Policy on Disability Inclusive Development. Cuba made recommendations.

55. Denmark was pleased to note that the first cycle recommendations to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been accepted. Denmark welcomed the fact that a draft paper had been

prepared seeking a decision from the Cabinet to direct the national reporting and monitoring body to plan and consult with relevant stakeholders on the accession to human rights treaties. Denmark made a recommendation.

56. Egypt pointed out that, despite the fact that it had accepted the recommendation arising from the universal periodic review, the Marshall Islands had not ratified the majority of the key human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Egypt was also concerned that indigenous rights had been seriously affected by, inter alia, environmental contamination and displacement. Egypt was further concerned that the population experienced threats of increased drought, freshwater shortages, sanitation problems, food insecurity and coastal erosion. Egypt made recommendations.

57. Estonia referred to steps to implement previous recommendations including on the rights of persons with disabilities with the approval of the National Policy on Disability. Estonia commended the enactment of a new Criminal Code closely in line with international human rights standards and of the Domestic Violence Prevention and Protection Act 2011, which criminalized domestic violence. Estonia encouraged continued cooperation with the special procedures. Estonia made recommendations.

58. Fiji congratulated the Marshall Islands for the introduction of laws and policies to proactively prevent and deal with gender-based violence against women and girls, particularly the 2011 domestic violence law, the Child Protection Act and the recently approved National Gender Policy. Fiji shared with the Marshall Islands the challenges related to the loss of land and livelihood as a result of climate change, and concerning the course set to empower communities to be able to enforce social and economic rights in jeopardy as a result of climate change. Fiji made recommendations.

59. Responding to questions, the Marshall Islands thanked Fiji for its cooperation in the context of its participation in the Working Group session. The Marshall Islands reaffirmed that Parliament would certainly adopt those treaties and optional protocols before it in the course of 2015. The Marshall Islands stressed that because it had adopted its Constitution in 1978/1979, after many neighbouring countries had adopted theirs, it had had the benefit of learning from their laws and their judiciary's history to draft and approve a bill of rights that was quite extraordinary. The Marshall Islands had been trying during the past decades to harmonize its domestic legislation with international treaties and protocols despite the many obstacles and impediments to implementing those treaties.

60. The Marshall Islands stated that in some parts of the country, it was still distributing drinking water. It indicated that when it had to decide whether to build a prison for women or a maternity ward, it would choose the latter. It emphasized that it was not for lack of political will, but a matter of managing limited resources and that the Marshall Islands would abide by its commitments made in the context of the universal periodic review and regional meetings to implement them as soon as possible.

61. France welcomed the ratification of the Convention on the Rights of Persons with Disabilities by the Marshall Islands and its standing invitation to the special procedures. France regretted that the Marshall Islands had still not ratified the two fundamental international covenants in line with its commitments from the first universal periodic review cycle. France made recommendations.

62. Germany acknowledged the challenges facing the Marshall Islands, especially its resource constraints and the consequences of climate change. Germany welcomed steps taken since the first universal periodic review such as the development of the National Strategic Plan and policies on disability, youth and gender as well as revision of the Criminal Code, criminalizing all forms of domestic violence. Germany indicated that some

gaps remained in the enjoyment of all human rights, especially for vulnerable groups. Germany made recommendations.

63. Indonesia commended the implementation of the National Strategic Plan 2015–2017, including on social development, climate change and resilience and good governance. Indonesia commended the adoption of gender and disability policies and the new Criminal Code in line with international human rights standards. Indonesia appreciated the establishment of the Resource Development Committee to address human rights issues and the universal periodic review reporting process. Indonesia made recommendations.

64. Ireland welcomed the introduction of legislation on domestic violence and the right to education. Ireland hoped that steps would be taken as soon as possible to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Ireland recognized efforts, including through compensation, made to address the detrimental legacy of nuclear weapons-testing programmes. Ireland urged implementation of the recommendations of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes to develop a health strategy and plan of action. Ireland was concerned at the low level of women's representation in politics and mentioned the challenges of poor immunization coverage and child malnutrition. Ireland made recommendations.

65. Israel recognized the significant efforts taken to address the constant threat of the effects of climate change that demanded increased attention and growing budget allocations. Israel highlighted measures taken such as accession to the Convention on the Rights of Persons with Disabilities, development of gender, disability and youth policies and the prevention of adolescent pregnancy strategy, creation of a Disability Coordination Office, enactment of the Domestic Violence Prevention and Protection Act, and to ensure free and public education. Israel made recommendations.

66. Japan appreciated that the Marshall Islands had recently become a party to the Convention on the Rights of Persons with Disabilities. Japan welcomed the policies formulated on gender equality, domestic violence and persons with disabilities notably in the National Strategic Plan. Japan encouraged enhanced efforts to promote gender equality. Japan expected the steady implementation of relevant policies including the Domestic Violence Prevention and Protection Act concerning the reportedly high incidence of violence against women, underage pregnancy and cases of child abuse. Japan made a recommendation.

67. Maldives respected the progress achieved since the first review, given the immense challenges of small island developing States struggling with the severe consequences of climate change. Maldives commended the Domestic Violence Prevention and Protection Act 2011 and encouraged its prompt and effective implementation. Maldives mentioned the progress made in implementing a national programme aimed at eliminating violence against children and encouraged the expeditious passing into law of the Child Protection Bill. It welcomed the ratification of the Convention on the Rights of Persons with Disabilities. Maldives made recommendations.

68. Mexico congratulated the Marshall Islands on ratifying the Convention on the Rights of Persons with Disabilities, on awareness-raising programmes in different local media and on its mobile team expanding capacity-building and the delivery of information on reproductive health, family planning and food security. Mexico welcomed the commitment to combat the effects of climate change and indicated that lack of capacity and insufficient resources were major obstacles to dealing fully with problems and commitments on human rights. Mexico made recommendations.

69. Montenegro welcomed the adoption of the Domestic Violence Prevention and Protection Act 2011 and asked about activities for its full implementation and whether there was any intention to define 18 years as the legal age of marriage for girls. Montenegro also asked the Marshall Islands for information on the expected finalization of its internal accession procedure and on becoming a party to specific treaties. It inquired about the measures taken to strengthen laws and policies on child protection and integrate them into existing mechanisms. Montenegro made recommendations.

70. Morocco highlighted the commitment of the Marshall Islands to social and economic development with the adoption of the National Strategic Plan (2015–2017). It welcomed the visit of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes. Morocco welcomed the measures taken aimed at accession to the main international human rights instruments, including the Convention against Torture, the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. It highlighted the adoption of the new Penal Code and various policies and strategies on disability, reproductive health, family planning and climate change. Morocco made recommendations.

71. Namibia encouraged the Marshall Islands to continue its efforts to promote and protect the rights of its people despite the challenges of climate change and environmental disasters. It was pleased to note the enactment of the Domestic Violence Prevention and Protection Act 2011 and inquired about the status of the national women's policy. Namibia made recommendations.

72. The Marshall Islands thanked those State representatives who had encouraged it and commended the work that had been done since the last universal periodic review. It thanked Israel for the installation of drinking water facilities in Eba, which would ensure that children attended school and had access to clean drinking water. It also mentioned the good cooperation with Japan along with the European Union in a programme of energy supply in the country. The Marshall Islands would continue to work with neighbouring countries, including Maldives, to deal with climate change issues.

73. The Marshall Islands considered that the most important human right was the right to exist. Countries in the Pacific and particularly the Marshall Islands had been subjected to forces beyond their control in terms of displacement of population as well as difficulty in providing basic health and education to their populations. The Marshall Islands considered that responsibility to be less important just because there were other priorities. It was a matter of making choices on what to address first and what to address next. The Marshall Islands viewed the right to exist as primarily important.

74. The Marshall Islands emphasized that there were places in the country that would be forbidden for human habitation for the following years. Displaced persons from the Nuclear Testing Program remained scattered not only throughout the Marshall Islands but also throughout the United States and in other parts of the world. Their human rights should be part of the discussion. The country also had issues with climate change over which it had absolutely no control. The Marshall Islands had been vocal in world forums on that issue because it was a right to exist issue. The Marshall Islands stressed the need to anticipate and urgently find answers to the rising of the ocean and what to do with the population, displaced people and how to secure their other human rights in the future. The Marshall Islands reiterated its commitment to ensure that universal periodic review recommendations were implemented.

II. Conclusions and recommendations[**]

75. **The following recommendations will be examined by the Marshall Islands which will provide responses in due time, but no later than the thirtieth session of the Human Rights Council, in September 2015:**

75.1 **Ratify the International Covenant on Civil and Political Rights (New Zealand);**

75.2 **Ratify the International Covenant on Economic, Social and Cultural Rights (New Zealand);**

75.3 **Ratify the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol (Portugal);**

75.4 **Ratify or accede to the remaining core international human rights treaties (Rwanda);**

75.5 **Ratify the seven core international human rights instruments including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Economic, Social and Cultural Rights and their Optional Protocols (Sierra Leone);**

75.6 **Continue working towards the ratification of existing human rights treaties (Slovenia);**

75.7 **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Spain);**

75.8 **Ratify the Optional Protocols to the Convention on the Rights of the Child, as previously recommended (Spain);**

75.9 **Ratify the International Covenant on Civil and Political Rights (Timor-Leste);**

75.10 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Timor-Leste);**

75.11 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination (United Kingdom of Great Britain and Northern Ireland);**

75.12 **Consider ratifying the International Covenant on Civil and Political Rights and its Optional Protocols, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Uruguay);**

75.13 **Consider becoming party to the International Convention for the Protection of All Persons from Enforced Disappearance (Uruguay);**

[**] The conclusions and recommendations have not been edited.

75.14 **Accelerate the process of acceding to the two international human rights covenants and also to strengthen the rights of persons with disabilities (Algeria);**

75.15 **Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance as well as the other international human rights core instruments to which the country is not yet a party (Argentina);**

75.16 **Accede to the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);**

75.17 **Accede to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Armenia);**

75.18 **Ratify the International Covenant on Civil and Political Rights and its two Optional Protocols (Belgium);**

75.19 **Ratify all the core international human rights treaties to which the country is not yet a party, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights , the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as the International Convention for the Protection of All Persons from Enforced Disappearance (Brazil);**

75.20 **Take immediate action to accede to the major human rights instruments, leading with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Canada);**

75.21 **Accede to international human rights instruments (Costa Rica);**

75.22 **Intensify efforts to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment with a view to having ratified it when the Marshall Islands meets the Human Rights Council for its third universal periodic review (Denmark);**

75.23 **Ratify all significant human rights treaties, so as to reinforce the implementation of, and compliance with, international human rights law in the country (Egypt);**

75.24 **Take steps to ratify the amendments to article 8 of the Rome Statute of the International Criminal Court (Estonia);**

75.25 **Ratify the International Covenant on Civil and Political Rights and its two Optional Protocols (Estonia);**

75.26 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Estonia);**

75.27 **Ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (France);**

75.28 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (France);**

75.29 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (France);**

75.30 **Strengthen its national mechanisms for the prevention of torture, by considering its accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Indonesia);**

75.31 **Join more human rights treaties and their Optional Protocols, especially the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Israel);**

75.32 **Continue its efforts towards early ratification of the main international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Japan);**

75.33 **Accelerate the analysis process for the ratification of international human rights treaties to which it is not yet a party and take appropriate measures for reporting progress on the implementation of the instruments to which it is already a party (Mexico);**

75.34 **Ratify the International Covenant on Civil and Political Rights (Montenegro);**

75.35 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);**

75.36 **Consider ratifying the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its Optional Protocols (Namibia);**

75.37 **Include sex and disability as grounds for non-discrimination in the Constitution (Slovenia);**

75.38 **Revise the Constitution to add gender and disability as grounds for which no one may be discriminated (Belgium);**

75.39 **Bring national legislation into line with international commitments made by the Marshall Islands on non-discrimination against women, in particular the Convention on the Elimination of All Forms of Discrimination against Women and continue its efforts to implement the Convention (France);**

75.40 **Adopt and implement the Child Protection Bill, preventing children from becoming victims of child abuse and publicly raising awareness for their rights (Germany);**

75.41 **Ensure that all forms of discrimination based on gender or sexual orientation are fully prohibited; implement the legal protection foreseen and provide assistance to victims of gender-based, sexual or domestic violence (Germany);**

75.42 **Continue with the current law reform effort to include measures protecting against discrimination based on sexual orientation, gender identity or disability (Israel);**

75.43 **Continue efforts to strengthen the legal and institutional framework in the field of human rights (Morocco);**

75.44 **Establish a national commission on human rights (Rwanda);**

75.45 **Consider establishing a national human rights institution which is in line with the Paris Principles, which would help monitor and better integrate human rights norms into national policies (Sierra Leone);**

75.46 **Establish a national institution to promote and protect human rights in accordance with the Paris Principles (Uruguay);**

75.47 **Establish a national commission on human rights to coordinate, provide capacity development and assist with strengthening human rights implementation throughout the country (Egypt);**

75.48 **Establish a national human rights institution in conformity with the Paris Principles (France);**

75.49 **Continue efforts to establish a national human rights institution that is in line with the Paris Principles and allocate adequate resources (Germany);**

75.50 **Further strengthen its national human rights institution in accordance with the Paris Principles and pursue the development of a comprehensive national human rights action plan (Indonesia);**

75.51 **Request assistance from the specialized agencies, funds and programmes of the United Nations in order to establish a national human rights institution which would strengthen, coordinate and develop the required measures to respect the human rights of all in the country (Mexico);**

75.52 **Promote good governance and transparency at the national and atoll administration levels, strengthen public and private sector accountability; and develop a human rights policy and management framework, including annual reporting on their social, environmental and economic impact, with appropriate monitoring and evaluation (Egypt);**

75.53 **Continue to promote good governance and rule of law through effective policy coordination at national and atoll levels (Singapore);**

75.54 **Actively implement the policy to promote gender equality, to improve the quality of life of persons with disabilities and development of youth (Russian Federation);**

75.55 **Endorse and begin implementing the National Gender Policy (Estonia);**

75.56 **Implement the National Gender Policy and work with women's civil society groups to implement it in all spheres of national life (Fiji);**

75.57 **Make national planning and national budgeting gender-responsive (Fiji);**

75.58 **Adopt and seek technical assistance from donor agencies to implement a national training programme for judges, lawyers, civil society groups and schoolchildren on their rights to water, food security, life, education and health in relation to climate change, and the ways in which the courts can help to develop a Pacific jurisprudence on the relationship between climate change and human rights (Fiji);**

75.59 **Take all necessary steps to promptly adopt and implement a comprehensive national disability policy in full compliance with international standards (Maldives);**

75.60 **Design a strategy to manage resources more efficiently, so as to deal with the most pressing human rights issues, and pay particular attention to the marginalized sectors of the population (Mexico);**

75.61 **Continue to enhance its partnership with specialized agencies of the United Nations in order to implement human rights and boost its cooperation**

with special procedures mandate holders of the Human Rights Council (Congo);

75.62 Step up existing cooperation with international bodies in respect of the human right to water and sanitation, in particular with the United Nations Environment Programme and with the Special Rapporteur on the human right to safe drinking water and sanitation (Spain);

75.63 Continue to engage its regional and international partners with a view to seeking technical and other assistance towards its full compliance with its human rights treaty obligations (Philippines);

75.64 Submit the overdue reports to the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child at the earliest possible stage (Portugal);

75.65 Seek technical assistance and cooperation to combat the high prevalence of non-communicable diseases and its root causes (Maldives);

75.66 Strengthen cooperation and partnership, including with OHCHR, to continue with the implementation of national policy in the matters of disability, health and disaster management (Morocco);

75.67 Pursue efforts to combat all forms of discrimination against women (Algeria);

75.68 Take the measures necessary to review its domestic legislation in order to guarantee the free and compulsory birth registration of all children born in the country (Argentina);

75.69 Introduce a national plan of action to combat violence against women (New Zealand);

75.70 Build on the Domestic Violence Prevention and Protection Act and the National Gender Policy to implement more concrete programmes and policies to combat violence against women and children, and to promote the full and equitable participation by women in society (Singapore);

75.71 Continue its efforts towards the effective implementation of the Domestic Violence Prevention and Protection Act, including through awareness-raising and changing mindsets and attitudes (Slovenia);

75.72 Step up measures of awareness-raising on gender-based violence to promote the prevention of this phenomenon (Spain);

75.73 Take all appropriate measures to end domestic violence (Sweden);

75.74 Continue combating violence against women and children by prohibiting the right to use force and severe corporal punishment of children at home, and effectively enforcing the existing laws in this area, especially the Domestic Violence Prevention and Protection Act (Thailand);

75.75 Take further steps to combat domestic violence, including a greater gender sensitization (Timor-Leste);

75.76 Move towards swift implementation of its National Gender Policy as a positive step towards the goal of eliminating gender-based violence (United Kingdom of Great Britain and Northern Ireland);

75.77 **Effectively implement the Domestic Violence Prevention and Protection Act through advocacy and awareness-raising amongst targeted audiences (Australia);**

75.78 **Finalize and implement the first response protocol for urgent intervention, so that the problem of violence against women and girls is dealt with effectively and that ministries concerned are provided with the budget necessary to apply the Domestic Violence Prevention and Protection Act (Belgium);**

75.79 **Take steps to strengthen the enforcement of existing laws criminalizing rape and domestic violence, including by vigorously investigating and prosecuting violence against women, and providing targeted training and capacity-building to law enforcement officials (Canada);**

75.80 **Set up its efforts for the effective implementation of those mechanisms allowing for the application of the Domestic Violence Prevention and Protection Act (Congo);**

75.81 **Raise the minimum age of criminal responsibility to 18 years and abolish child marriage by raising the age of marriage to 18 (Sierra Leone);**

75.82 **Pursue efforts undertaken to prevent and more effectively punish acts of domestic violence committed against women and children, through strengthening the legislative arsenal and the resources allocated to the judiciary, police force and justice (France);**

75.83 **Further develop policies to combat domestic and gender-based violence (Israel);**

75.84 **More actively conduct education and awareness campaigns on the issue of trafficking in persons and make efforts to study human trafficking in the country, adopt proactive procedures to identify victims of trafficking among vulnerable groups, such as foreign workers and women in prostitution, and investigate trafficking cases (United States of America);**

75.85 **Prohibit corporal punishment of children in all settings, including the home, and repeal the authorization of the use of force to correct children's misconduct in the Criminal Code (Sweden);**

75.86 **Reform its legislation with a view to establish the prohibition of all forms of corporal punishment of children, an indispensable component for the prevention and elimination of violence against children, as well as for the respect for children's rights, dignity and physical integrity (Brazil);**

75.87 **Adopt legislation to prohibit all forms of corporal punishment of children in all settings, and explicitly repeal the right to use force for "prevention or punishment of the minor's misconduct" and for the maintenance of "reasonable discipline" in the Criminal Code (Namibia);**

75.88 **Ensure political participation of women in governmental decision-making bodies in order to generate inclusive and balanced decision-making in matters that concern both women and men (Netherlands);**

75.89 **Take measures to promote greater participation and representation of women in public positions, especially in politics (Costa Rica);**

75.90 **Adopt temporary special measures to facilitate greater participation and representation of women in public offices, particularly in fields relating to political and civil rights (Egypt);**

75.91 Adopt measures to facilitate greater representation of women in public office and improve the participation of women in political life (Ireland);

75.92 Take measures to facilitate greater participation and representation of women in public offices (Israel);

75.93 Provide legal protection for equality of opportunity in employment for all of its citizens, particularly for persons with disabilities (United States of America);

75.94 Continue strengthening its development policies, as well as its social protection programmes, that it is already implementing, to give a better quality of life and well-being to its people, and for this purpose it is very important to have the technical cooperation and technical assistance that the country requires (Bolivarian Republic of Venezuela);

75.95 Improve public infrastructure such as water supply, sanitation and waste management so as to ensure adequate living standards and the right to health for its people (China);

75.96 Review current policies and develop, together with the private sector, a code of practice on HIV in the workplace, taking into account the international standards of the World Health Organization and the conventions and recommendations adopted by the International Labour Organization (Netherlands);

75.97 Thoroughly implement the 2014–2016 strategy to prevent adolescent pregnancy, in cooperation with UNFPA (Portugal);

75.98 Provide greater access to public health services with adequate health coverage, particularly in the outer islands (Thailand);

75.99 Request technical assistance from specialized agencies of the United Nations in order to promote human rights through partnerships in the education and health sectors in particular to face up to the consequences of the nuclear tests (Algeria);

75.100 Take action at all levels to address the interlinked root causes of preventable mortality and morbidity of children under 5 and consider applying the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31) (Ireland);

75.101 Continue efforts to reduce non-attendance and the dropout rate from the educational system (Slovenia);

75.102 Continue its efforts and adopt further measures to promote the realization of the right to education for all in an inclusive and non-discriminatory way, including for persons with disabilities (Portugal);

75.103 Implement specific measures to promote inclusive education of children with disabilities (Israel);

75.104 Continue strengthening protection of the rights of persons with disabilities, particularly through approving a national disability strategy, which particularly focuses on boys, girls and women with disabilities (Spain);

75.105 Give appropriate resourcing to implement its Disability Inclusive Development Policy (Australia);

75.106 **Adopt a practical approach in addressing its development and human rights challenges (Singapore);**

75.107 **Continue taking measures to ensure adequate protection of human rights in actions taken to address climate change (Costa Rica);**

75.108 **Pay attention to the impact of climate change on the country's human rights situation and fully address this impact with the support of the international community (China);**

75.109 **Continue leading the international dialogue in an effort to reduce the effects of climate change and to adopt effective adaptation measures (Cuba);**

75.110 **Keep up its work to combat the adverse consequences of the nuclear testing programme, including the provision by its promoters of the necessary resources to deal with those consequences (Cuba);**

75.111 **Actively seek, with the help of the international community, a resolution to restore the natural environment, affected by the nuclear testing of the United States on the Marshall Islands (Russian Federation).**

76. **All conclusions and recommendations contained in the present report reflect the position of the submitting State and the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

[*English only*]

Composition of the delegation

The delegation of the Marshall Islands was headed by H.E. Mr. Tony A. deBrum, Minister for Foreign Affairs, and composed of the following members

- Mr. Bernard Adiniwin, Assistant Attorney General, Office of the Attorney General
- Mr. Laurence Enos Edwards II, Assistant Attorney General, Office of the Attorney General
- Mr. Warwick Harris, Deputy Director, Office of Environmental Planning and Policy Coordination
- Ms. Morina Mook, Chief of Waste and Pollutant, Environmental Protection Authority
- Mr. Caleb Christopher, Legal Advisor, Permanent Mission at the United Nations
- Mr. Mark Atterton, Human Rights Advisor, Ministry for Foreign Affairs